

PATENT COOPERATION TREATY

PCT

INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY

(Chapter II of the Patent Cooperation Treaty)

(PCT Article 36 and Rule 70)

Applicant's or agent's file reference
P27233PC00

FOR FURTHER ACTION

See Form PCT/IPEA.416

International application No.
PCT/IB2004/051331

International filing date (day/month/year)
29.07.2004

Priority date (day/month/year)
29.08.2003

International Patent Classification (IPC) or national classification and IPC
B65D13/04, B31B1.63

Applicant

HUGGETT, Anthony Court

1. This report is the international preliminary examination report, established by this International Preliminary Examining Authority under Article 35 and transmitted to the applicant according to Article 36.
2. This REPORT consists of a total of 6 sheets, including this cover sheet.
3. This report is also accompanied by ANNEXES, comprising:
 - a. ☐ sent to the applicant and to the International Bureau a total of sheets, as follows:
 - ☐ sheets of the description, claims and/or drawings which have been amended and are the basis of this report and/or sheets containing rectifications authorized by this Authority (see Rule 70.16 and Section 607 of the Administrative Instructions).
 - ☐ sheets which supersede earlier sheets, but which this Authority considers contain an amendment that goes beyond the disclosure in the international application as filed, as indicated in item 4 of Box No. I and the Supplemental Box.
 - b. ☐ (sent to the International Bureau only) a total of (indicate type and number of electronic carrier(s)) , containing a sequence listing and/or tables related thereto, in computer readable form only, as indicated in the Supplemental Box Relating to Sequence Listing (see Section 802 of the Administrative Instructions).
4. This report contains indications relating to the following items:
 - ☒ Box No. I Basis of the opinion
 - ☐ Box No. II Priority
 - ☐ Box No. III Non-establishment of opinion with regard to novelty, inventive step and industrial applicability
 - ☒ Box No. IV Lack of unity of invention
 - ☒ Box No. V Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement
 - ☐ Box No. VI Certain documents cited
 - ☐ Box No. VII Certain defects in the international application
 - ☐ Box No. VIII Certain observations on the international application

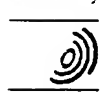
Date of submission of the demand

Date of completion of this report

28.06.2005

08.11.2005

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Box No. I Basis of the report

1. With regard to the **language**, this report is based on the international application in the language in which it was filed, unless otherwise indicated under this item.
 - ☐ This report is based on translations from the original language into the following language, which is the language of a translation furnished for the purposes of:
 - ☐ international search (under Rules 12.3 and 23.1(b))
 - ☐ publication of the international application (under Rule 12.4)
 - ☐ international preliminary examination (under Rules 55.2 and/or 55.3)
2. With regard to the **elements*** of the international application, this report is based on *(replacement sheets which have been furnished to the receiving Office in response to an invitation under Article 14 are referred to in this report as "originally filed" and are not annexed to this report)*:

Description, Pages

1-11 as originally filed

Claims, Numbers

1-28 as originally filed

Drawings, Sheets

1/7-7/7 as originally filed

- ☐ a sequence listing and/or any related table(s) - see Supplemental Box Relating to Sequence Listing
3. ☐ The amendments have resulted in the cancellation of:
 - ☐ the description, pages
 - ☐ the claims, Nos.
 - ☐ the drawings, sheets, figs
 - ☐ the sequence listing (*specify*):
 - ☐ any table(s) related to sequence listing (*specify*):
 4. ☐ This report has been established as if (some of) the amendments annexed to this report and listed below had not been made, since they have been considered to go beyond the disclosure as filed, as indicated in the Supplemental Box (Rule 70.2(c)).
 - ☐ the description, pages
 - ☐ the claims, Nos.
 - ☐ the drawings, sheets, figs
 - ☐ the sequence listing (*specify*):
 - ☐ any table(s) related to sequence listing (*specify*):

* If item 4 applies, some or all of these sheets may be marked "superseded."

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Box No. IV Lack of unity of invention

1. ☐ In response to the invitation to restrict or pay additional fees, the applicant has:
- ☐ restricted the claims.
 - ☐ paid additional fees.
 - ☐ paid additional fees under protest.
 - ☐ neither restricted nor paid additional fees.
2. ☒ This Authority found that the requirement of unity of invention is not complied with and chose, according to Rule 68.1, not to invite the applicant to restrict or pay additional fees.
3. This Authority considers that the requirement of unity of invention in accordance with Rules 13.1, 13.2 and 13.3 is
- ☐ complied with.
 - ☒ not complied with for the following reasons:
see separate sheet
4. Consequently, this report has been established in respect of the following parts of the international application:
- ☒ all parts.
 - ☐ the parts relating to claims Nos. .

Box No. V Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

1. Statement

Novelty (N)	Yes: Claims	2, 8, 14, 15, 18, 19, 27, 28
	No: Claims	1, 3-7, 9-13, 16, 17, 20-26
Inventive step (IS)	Yes: Claims	8, 19
	No: Claims	1-7, 9-18, 20-28
Industrial applicability (IA)	Yes: Claims	1-28
	No: Claims	

2. Citations and explanations (Rule 70.7):

see separate sheet

Box No. VII Certain defects in the international application

The following defects in the form or contents of the international application have been noted:

see separate sheet

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Re Item IV

- 1 The application contains two inventions:
 1. A panel and a collapsible container made therewith (claims 1-12, 20-28).
 2. A support structure (claims 13-19).
- 2 They are not so linked as to make the application unitary, since the only technical feature linking independent claims 1 and 13 is a collapsible container, which cannot be considered as a special technical feature in the sense of Rule 13.2 PCT.

Re Item V

- 1 The following documents are referred to in this communication:

D1 : WO 02/46048 A
D2 : US 5 487 345 A
D3 : NL 1 012 498 C

- 2 INDEPENDENT CLAIM 1

The present application does not meet the criteria of Article 33(1) PCT, because the subject-matter of claim 1 is not new in the sense of Article 33(2) PCT.

Document D1 discloses (the references in parenthesis applying to this document) a panel (12) for a collapsible container, the panel including:
a body; and
an elongate tubular member (26) having at least one cut-away section to form an interlocking formation.

The panel of D1 has therefore all the technical features of the subject-matter of claim 1.

- 3 INDEPENDENT CLAIM 13

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The present application does not meet the criteria of Article 33(1) PCT, because the subject-matter of claim 13 is not new in the sense of Article 33(2) PCT. Document D2 discloses (the references in parenthesis applying to this document) a support structure suitable for a collapsible container comprising:
a plurality of reinforced panels (28);
the panels being stacked on top of one another, and being secured in a stacked position.

The support structure of D2 has therefore all the technical features of the subject-matter of claim 13

4 DEPENDENT CLAIMS 2-7, 9-12, 14-18, 20-28

- 4.1 Dependent claim 2 does not contain any features which, in combination with the features of any claim to which it refers, meet the requirements of the PCT in respect of inventive step (Article 33 (3) PCT) for the following reason.

D1 is silent about how the different tube sections on each castellated edge of the panel are made. Using a single tube and cutting it so as to obtain the three sections shown in D1 is merely one of the straightforward possibilities from which the skilled person would choose in order to make this castellated edge.

- 4.2 Dependent claims 3-7, 9-12 and 20-26 do not contain any features which, in combination with the features of any claim to which they refer, meet the requirements of the PCT in respect of novelty (Article 33(2) PCT), because their combinations of features are present in the panel and container of D1.
- 4.3 Dependent claims 16 and 17 do not contain any features which, in combination with the features of any claim to which they refer, meet the requirements of the PCT in respect of novelty (Article 33(2) PCT), because their combinations of features are present in the support structure of D2.
- 4.4 Dependent claims 14, 15, 18, 27 and 28 do not contain any features which, in combination with the features of any claim to which they refer, meet the requirements of the PCT in respect of inventive step (Article 33 (3) PCT) because the subject-matter of claims 14 and 15 is known from D3 and the subject-matter of

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claims 18, 27 and 28 derives from a combination of D1 and D2.

5 DEPENDENT CLAIMS 8 AND 19

The available prior art is devoid of any suggestion of making a panel as the one of D1 with tubular members on all its edges. The subject-matter of claim 8 therefore meets the requirements of novelty and inventive step of the PCT.

No suggestion is to be found in the prior art of a support structure as in D2 containing tubular cardboard sections as the inner structure. The subject-matter of claim 19 therefore meets said requirements, too.

Re Item VII

- 1 The features of the claims are not provided with reference signs placed in parentheses (Rule 6.2(b) PCT).
- 2 Contrary to the requirements of Rule 5.1(a)(ii) PCT, the relevant background art disclosed in the documents D1 and D2 is not mentioned in the description, nor are these documents identified therein.